

REMARKS

This is in response to the Advisory Action of February 19, 2009 and is filed in connection with a Request for Continued Examination (RCE). With this response claims 1, 36, 37 and 52 are amended, claims 2-3 and 38 are canceled and all pending claims 1, 4-37 and 39-53 are presented for reconsideration and favorable action.

In the Advisory Action, the rejection was continued. The Flaemig reference was cited as showing retrofitting a device. With this response, the independent claims have been amended and it is believed that they are patentably distinct from the cited references.

The independent claims state that the monitoring of the component of the device is by monitoring data carried on a databus of the process device which transfers digital data between the component of the device and a microprocessor of the device. This is not shown by the cited references.

Further, Applicant notes that if one considers element 12 of Flaemig as being a retrofitting device as set forth in the pending claims, either in the method or apparatus claims, that element does not include all of the claimed elements including a device interface, component monitor and safety response module. The addition of Flaemig to the other references would simply lead to a distributed configuration such as shown in Sederlund in which a process device such as shown in Eryurek (6,647,301) couples to a process device such as shown in Eryurek (6,017,143) which is configured to couple to a monitoring device such as element 12 shown in Flaemig (7,054,765). This would not yield a retrofitting device which includes all of a device interface, component monitor and safety response module.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been

expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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